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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,496	02/12/2007	Erich Bott	2003P01124WOUS	9869
46726	7590	04/27/2011		
BSH HOME APPLIANCES CORPORATION			EXAMINER	
INTELLECTUAL PROPERTY DEPARTMENT			DANIEL, JAMAL D	
100 BOSCH BOULEVARD				
NEW BERN, NC 28562			ART UNIT	PAPER NUMBER
			3723	
			NOTIFICATION DATE	DELIVERY MODE
			04/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Response to Arguments

1. Applicant's arguments filed 4/7/2011 have been fully considered but they are not persuasive.
2. Applicant argues that the portion of the housing that encloses the motor of Herron would not be considered a capsule. The Examiner disagrees. Vacuum cleaner housings, as known in the art, necessarily encapsulate the motor since a suction compartment must be created for the vacuum to perform its function. The Examiner maintains the position that the U-shaped portion (42), along with the top cover (not drawn), encapsulates the motor.
3. Applicant argues that Herron does not disclose a first capsule part being joined to a portion of the blower housing while forming a single piece. The Examiner disagrees. The blower is fixedly mounted in the housing thus forming a single piece with the housing.
4. Applicant argues that Herron does not disclose overlapping capsule parts. The Examiner disagrees. The Examiner maintains the position that the wall sections inherently overlap since the compartment is encapsulated as discussed above. To meet the broad limitation of "overlap" the top cover only need be partially above the housing portion, which is inherent from the word "cover".
5. Applicant argues that since Herron discloses that the labyrinth arrangement of walls in the referenced '683 patent is difficult to mold, one would not modify the housing of Herron to comprise a holder for receiving a bearing element as taught by Moshenrose. The Examiner disagrees. The passage of Herron being referenced in this

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argument is specifically referring to the labyrinthine arrangement of walls of the '683 patent. Further, Herron discloses that such a housing is difficult to mold, but not impossible or impractical. The difficulty of molding the referenced '683 patent does not make it impossible or impractical to modify the Herron reference as taught in Moshenrose, and thus does not teach away from such a modification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMAL DANIEL whose telephone number is (571)270-5706. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMAL DANIEL/
Examiner, Art Unit 3723